

Appl. No.: 10/618,253

**Remarks:**

Claims 1-10 are pending in this application. The examiner rejected claims 1-10 as either anticipated as anticipated by (under 35 U.S.C. § 102(b)), or as obvious over (under 35 U.S.C. § 103(a)) Jamison *et al.* (U.S. Pat. No. 5,062,844). To reach that objection, the examiner characterized the claim language “wherein the beryllium stiffening member is embedded in the substantially radiolucent body material” as a product-by-process limitation.

The examiner states that “the stiffening member is made of beryllium” and apparently views that as resulting from a process of embedding. However, the applicant fails to understand how that language can be construed as a product-by-process limitation, and requests clarification. In any event, the applicant has amended the claim to remove the “wherein” language, believes that to wholly overcome the examiner’s rejection, and respectfully urges allowance of the claims.

Furthermore, with regard to the examiner’s anticipation rejection under § 102(b), the applicant respectfully submits that contrary to the examiner’s statement that all elements are disclosed in the Jamison *et al.* reference, the “beryllium stiffening member” is not disclosed. The rejection is therefore unsupported by the art and should be withdrawn. See MPEP § 2131.

Also, with regard to the examiner’s obviousness rejection under § 103, the examiner has failed to make a *prima facie case* of obviousness over the Jamison *et al.* reference. As noted above, Jamison *et al.* does not disclose every limitation of the claims, and the examiner has not shown any motivation to modify that reference to arrive at the claimed invention, or shown that it would otherwise be obvious to a person of ordinary skill in the art to do so.

Accordingly, the applicant respectfully submits that claims 1-10 are in condition for allowance, and such is earnestly requested. If the examiner believes that a telephone conference

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would advance the prosecution of this application, the examiner is respectfully requested to contact the undersigned attorney.

The Commissioner is authorized to charge any required fees for this submission or credit any overpayment to Deposit Account No. 03-3483.

Respectfully submitted,

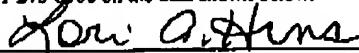


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Date: 1/10/2006

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and all documents indicated as being attached hereto are being transmitted by facsimile transmission to the United States Patent and Trademark Office, Mail Stop Amendment at facsimile number 571-273-8300 on the date shown below.

  
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Lori A. Hrina Date: January 10, 2006